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CONSTITUTIONAL LAW—INTERPRETATION OF STATUTES—LEGISLATIVE INTENT—PUBLIC OFFICERS—PEOPLE EX REL MITCHELL V. STURGES, 51 N. E. Rep. (N. Y.) 295.—Laws 1895 c. 247, amending the Charter of Saratoga Springs, requires the president to be appointed by trustees, instead of elected by the village

* * * provides that the term of office of the incumbent should be vacant on the appointment of another by the trustees. *Held*, Parker, C. J., and O'Brien, J., dissenting that latter clause, providing that the term of incumbent should be vacant on the appointment of another by the trustees, does not invalidate act, and further, that there is nothing to show that the Legislature intended to affect the president rather than his office, thereby rendering it repugnant to a constitutional provision forbidding the deprivation of a right or privilege "unless by the law of the land."

CONSTITUTIONAL LAW—JURISDICTION—REGULATION OF HOURS OF WORK—UNITED STATES V. SAN FRANCISCO BRIDGE CO., 88 Fed. Rep. 891.—Congress has power to regulate the hours of labor which may be required or permitted on public buildings or works of the United States and the federal courts have jurisdiction to punish violators of such regulations, though the buildings or works where committed may be situated on land within the political jurisdiction of a State. *Cf. Holden v. Hardy*, YALE LAW JOURNAL, vol. 7, 316.

CORPORATIONS—FOREIGN—LIABILITIES OF STOCKHOLDERS—EXCLUSIVENESS OF REMEDY—STODDARD V. LUM ET AL. 53 N. Y. Supp. 607. Starr & C. Ann. St. Ill. c. 32 par. 8, provides that a stockholder's liability for unpaid stock shall be enforced "in the manner herein provided." Further, if a corporation shall cease doing business, leaving debts, suits in equity may be brought against all stockholders by joining the corporation; that each stockholder shall pay his pro rata share of such debts to the extent of the unpaid portion of his stock, after exhausting the assets of the corporation * * * and that courts of equity shall have power to close up the corporate business, and to appoint a receiver who shall be a resident of Illinois. * * * who shall have authority to sue in all Courts and do all things necessary in closing up the corporation's affairs. Under these sections it was *held* that the remedy so provided is exclusive, and therefore an assignee for creditors of a corporation cannot enforce the stockholders liabilities. It was further held that such remedy can properly be enforced in the Courts of Illinois alone, and that therefore the Courts of New York will not take jurisdiction. Green and Follett, J. J., dissenting.

CRIMINAL LAW—SECOND OFFENCE EVIDENCE—DUE PROCESS OF LAW—PRESUMPTION OF INNOCENCE.—PEOPLE V. SICKLES, 51 N. E. Rep. (N. Y.) 288. The defendant was indicted for the crime of robbery in the first degree, as a second offence, Penal Code, § 688, provides for an increased penalty for the commission of a felony after a former conviction. *Held*, that proof of such former conviction upon the trial, and before conviction of the second offence, is not objectionable as not being due process of law, or as depriving the defendant of the benefit of the presumption of innocence. Bartlett, J., dissented, on the ground that such proof of former conviction does not become material until after the second conviction, and thus only for the purpose of enabling trial judge to impose the proper term of imprisonment. He further held that to allow such proof was to convict without due process of law.

DAMAGES—INJURIES RESULTING IN DEATH—RIGHT OF PARENT TO RECOVER—AMOS V. ATLANTA RY. CO., 31 S. E. 42 (Ga.).—In Georgia under the principles of the common law a parent can recover the loss of services of a child

because of a tortious injury to it by another, even though the injury results in death, and though at the time the tort was committed the child was serving sentence in the county chain gang.

ELECTIONS—BALLOT—MANDAMUS—STATE EX REL RUNGE V. ANDERSON CITY CLERK, 76 N. W. 482 (Wis.).—A ballot law provided that if the same man were nominated by two parties his name should be printed on the ticket under the designation of the party which first nominated him. It also provided that "the several regular party tickets * * * shall each be printed in one column under the appropriate party designation. The Democratic party having made nominations, the Populistic party nominated all the Democratic candidates. *Held*, that mandamus would not lie to compel the proper official to place the names of the candidates on the ticket a second time as nominees of the Populistic party. Winslow, J., dissenting, on the ground that the law is an unwarrantable interference with the freedom of election and hence void.

ENLISTMENT OF MINOR—RIGHT TO DISCHARGE—IN RE FERRONE, 89 Fed. Rep. 150.—A minor, whose parents were non-resident aliens, enlisted in the service of the United States, and at the time of his enlistment had no guardian. *Held*, that, although a guardian was since appointed, the provision in Rev. St., § 1117, requiring the consent of the parents or guardian of a minor to his enlistment in the military service, etc., did not authorize the court to order his discharge. *See* YALE LAW JOURNAL, vol. 8, p. 58, *Solomon, Sheriff, v. Davenport*.

ESTOPPEL—REPAIRING VESSEL—STATEMENT AS TO COST.—THE M. F. PARKER 88 FED. REP. 853.—One, desiring to buy a vessel, asked a ship carpenter for an estimate of what he would charge for putting her in thorough repair, and was told the cost would be \$150. On the faith of this statement he bought the vessel for \$315. When the repairs were completed the ship carpenter presented a bill for \$300. *Held*, that while there was no express contract that the work should be done for \$150, yet under the circumstances the repairer should be held estopped to claim more than the original estimate.

PROCEDURE—REMARKS TO JURY—CONSCIENCE—MILLER ET AL. V. MILLER ET AL., 41 ATL. (PENN.) 277.—A jury wished to be discharged, on the ground that it could not agree to a verdict, whereupon the judge charged them: "It is sometimes said by parties that they can't conscientiously agree to a verdict. There is no conscience in the case. It is simply a question of judgment." *Held*, error, in that it eliminated conscience from the consideration of the verdict.

PROPERTY GIFTS—DELIVERY—WHAT CONSTITUTES.—LIEBE V. BALTMANN, 54 PAC., Ore. 179.—One about to commit suicide indorsed securities and sealed them in an envelope directed to a friend, with whom he was living, and laid it on a table by his side in his own room, leaving a note to the friend containing directions as to the delivery of another letter and inclosure. The two slept in opposite parts of the house, and the friend reached the suicide shortly after the shooting, but the latter became unconscious, and died without making further reference, to the gift. *Held*, that there was no delivery, even though the donee had picked up the envelope during the lifetime of the deceased, when he delivered to another, and it was not opened until after the death.

PROPERTY—OFFICE—POLITICAL PARTIES—INJUNCTION.—KEARNS ET AL. V. HAWLEY ET AL., 41 Alt. Rep. (Penn.) 273.—The members of a county committee of a political party acquire no property right in their office, because of